

## BOOK REVIEWS

*Law of Public Utilities, Operating in Cities and Towns.* By Arthur L. Pond, Indianapolis. Bobbs-Merrill Co., 1913, pp. LIV, 954.

The title is misleading. It should be *Public Utilities Operated by Cities and Towns*. As is said in the introduction, the treatise is primarily concerned with the municipal corporation, acting, not in its public and governmental capacity, but as a property holder and a business proprietor conducting enterprises or contracting for their service from another for the private advantage of the city and its citizens. A part of the book treats of the power of Municipal Corporations under State constitutions and laws to operate public utilities, and is thus part of the law of Municipal Corporations. Another part relates to the duties and liabilities arising out of such operation which are substantially those attaching generally to those operating a public service or public utilities business. The power of municipalities to contract for such service, municipal regulation, municipal ownership, and public utilities commissions are also discussed. The New York, Wisconsin and Indiana Public Service Commission laws are printed in the appendix. There is a specially good discussion of the relative merits of municipal ownership and regulated private ownership. The author apparently considers that intelligent and effective regulation takes the place of competition and renders municipal ownership unnecessary for the protection of the citizens. This of course assumes that one of two things must happen; either the municipality must operate or it must have the power of efficient control, owing, as it is claimed, to the irresistible tendency of private corporations to pass beyond the limits in method of operation or in rates that the interests of the public consistent with the reasonable interest of the private corporation, may require. This regulation involves an intelligent selection of commissioners and a tenure of office that takes the commission out of politics. In effect this is the idea underlying the Wisconsin Act of which it is said: "The intent was to give the holder of an indeterminate permit within the scope thereof a monopoly so long as the convenience and necessity of the public should be reasonably satisfied, yet secure to the public the benefit of the monopoly in excess of a fair return upon the investment under the proper administration. *State v. Kenosha Electric R. Co.*, 145 Wis. 337.

It is apparent that a regulation of this sort obviates all discussion of valuable franchises which are so frequent a ground of attack upon public service corporations; for, when the franchise is made indeterminate in point of time, subject to efficient regulation by a commission, under a provision that any benefit arising from a monopoly or the possession of the franchise over and above a reasonable return upon the investment and for operation, shall accrue to the benefit of the public, there is nothing left in franchise value that is worth talking about.

The book under notice is a valuable discussion of the modern legal methods adopted and proposed in reference to the conduct of public utilities, whether by municipality or by private owners, and it is commended to those interested in this rapidly developing field of the law and of public activities.

E. B. G.

*Montgomery's Manual of Federal Procedure.* By Charles C. Montgomery, Bancroft-Whitney Company, 1914.

This does not purport to be an exhaustive treatise but is more in the nature of a guide book. It contains 1,056 pages and is yet small enough to be carried in one's pocket. The text leaves no topic in Federal Procedure unconsidered and the citations of authority in the notes give a special element of value. The Judicial Code and new equity rules are set out and annotated in the Appendix, and are quoted in the text wherever it bears on those subjects. Likewise, the Supreme Court rules and the rules of all the Circuit Courts of Appeals are set out in the Appendix and also quoted wherever necessary in the text. Scattered all through the text are forms in juxtaposition to the laws or rules upon which they are based. There are also numerous references in the text to other recognized authorities on the subject. With this little book in hand, one can at a glance see the law as it was and as it is and note the changes therein. It should prove a very handy and valuable book to those who are engaged in Federal practice.

H. W. A.